

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PEOPLE FOR THE ETHICAL)	
TREATMENT OF ANIMALS, INC.,)	
et al.,)	
)	
Counterclaim Plaintiffs,)	
)	
vs.)	Case No. 4:16 CV 2163 CDP
)	
TONIA HADDIX,)	
)	
Counterclaim Defendant.)	

SECOND ORDER OF CIVIL CONTEMPT

This matter is before the Court upon review of the Notice of Counterclaim Defendant Tonia Haddix's Noncompliance with Contempt Order filed by Counterclaim Plaintiff People for the Ethical Treatment of Animals (PETA) and on the objections and request for clarification filed by Ms. Haddix. Ms. Haddix has not purged herself of contempt by complying with either of the two conditions set forth in the Order of Civil Contempt entered April 8, 2021. PETA asserts that the coercive civil contempt sanction of \$50.00 per day is now effective, and that Ms. Haddix must forfeit possession of all seven chimpanzees currently in her possession due to her defaults of the Consent Decree. Ms. Haddix's request for clarification and objections present no legal argument or facts that would change this result. This Order is entered today to confirm the imposition of additional civil

contempt sanctions and clarify the means by which Ms. Haddix may purge herself of the ongoing contempt sanctions.

As discussed at the show cause hearing held on April 7, 2021, and as set forth in the Order of Civil Contempt entered April 9, 2021, Ms. Haddix was held in contempt of Court for defaulting on her obligations under the Consent Decree entered October 2, 2020. The imposition of further sanctions was delayed because Ms. Haddix represented at the hearing that she was in the process of hiring counsel to represent her and somehow provide a legal basis for challenging the order. The Order of Civil Contempt specified that Ms. Haddix could purge herself of contempt—and avoid the imposition of any additional contempt sanctions—by either: 1) obtaining legal counsel and filing a joint status report with PETA reflecting Ms. Haddix’s good faith efforts to fulfill her obligations under the Consent Decree; or 2) specifically performing her obligations under the Consent Decree and presenting adequate proof of performance to PETA, by no later than April 26, 2021. ECF 299.

The April 26, 2021 deadline has now passed; no counsel has entered an appearance of Ms. Haddix, no joint status report has been filed, no proof of performance has been submitted by Ms. Haddix into the record, and Ms. Haddix has presented no reason this Court should change its earlier determination that she is in contempt. Accordingly, Ms. Haddix is again found in civil contempt, and I

will impose civil contempt sanctions of \$50.00 per day for each day that she remains in contempt, until she purges herself of contempt as set forth below.

PETA's Notice suggests that Ms. Haddix may purge herself of contempt by "filing with the Court a sworn declaration acknowledging her continuing responsibilities and that she will cooperate with [PETA] to effectuate the chimpanzees' transfer." ECF 303. Clarifying, PETA references the Consent Decree ¶ 2.9, which states:

If any of the terms set forth in paragraphs 2.1 through 2.8 are not met within the timeframe required, ownership, possession, and custody of the Three Chimpanzees shall be transferred to the Sanctuary, in accordance with the same terms set forth with respect to the Four Chimpanzees in paragraphs 1.1 through 1.10 above.

Paragraphs 2.1 through 2.8 of the Consent Decree set forth a number of specific conditions and duties related to the care of the chimpanzees Crystal, Mikayla, and Tonka which Ms. Haddix agreed to in order to retain ownership, possession, and custody of those chimpanzees. The undisputed record reflects that Ms. Haddix has failed to comply with several provisions therein.¹ It has become clear that Ms.

¹ Specifically, the record evidence, including Ms. Haddix's testimony at the show cause hearing held April 7, 2021, shows that Ms. Haddix has defaulted on ¶ 2.1 requiring the chimpanzees to be transferred to a **completed** primadome with night houses; ¶ 2.2 and ¶ 2.3 requiring Ms. Haddix to provide contractor's plans and permits for the primadome and night houses; ¶ 2.4 requiring Ms. Haddix to provide PETA with status reports and photographs; ¶ 2.7 requiring Ms. Haddix to establish a Section 501(c)(3) charitable organization; and ¶ 2.8 requiring Ms. Haddix to hire a full-time chimpanzee caregiver, part-time maintenance worker, and experienced volunteer(s).

Haddix is either incapable or unwilling to provide the level of care for the three chimpanzees that she agreed to provide—and that I ordered her to provide—by the explicit terms of the Consent Decree. Accordingly, as mandated by ¶ 2.9 of the Consent Decree, I will order that the chimpanzees Crystal, Mikayla, and Tonka be transferred to the Center for Great Apes in addition to the other four chimpanzees as soon as the sanctuary is able to accept their custody. I will additionally adopt PETA’s proposal as to how Ms. Haddix may purge herself of contempt in light of the order herein regarding the transfer of the three chimpanzees.

Accordingly,

IT IS HEREBY ORDERED that Counterclaim Defendant Tonia Haddix is held in civil contempt, and a coercive civil contempt sanction of \$50.00 per day is imposed, effective June 2, 2021, for each additional day that she remains in contempt.

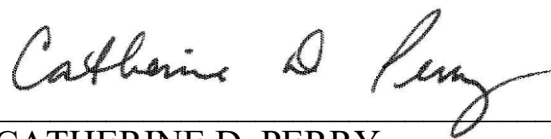
IT IS FURTHER ORDERED that Counterclaim Defendant Tonia Haddix may purge herself of contempt by filing with the Court a sworn declaration acknowledging her continuing responsibilities and that she will cooperate with PETA to effectuate the chimpanzees’ transfer to the Center for Great Apes.

IT IS FURTHER ORDERED that any such sworn declaration must contain the following explicit declarations that Ms. Haddix will:

- a. Cooperate and assist PETA in facilitating the transfer and removal of each of the seven chimpanzees, as determined by PETA and their designees in their sole discretion;
- b. Retain custody and ownership of the seven chimpanzees, and not cause any of the chimpanzees to be relocated from the Festus facility at any time prior to each of their transfers to the Sanctuary;
- c. Provide or arrange for the seven chimpanzees to receive appropriate and adequate food, shelter, and veterinary care at her expense, subject to appropriate reimbursements, until each of their transfers to the Sanctuary;
- d. Ensure PETA's designees (including veterinarian(s)) access to the Festus facility to monitor the care of the seven chimpanzees during the period of time they remain at the Festus facility, and promptly provide PETA with records of any veterinary visit, diagnosis, and/or treatment; and
- e. Ensure the Sanctuary's personnel and agents access to the Festus facility to take possession of each of the seven chimpanzees on the date of their transfer.

IT IS FURTHER ORDERED that PETA shall serve a copy of this Order by mail upon Ms. Haddix, and the Clerk of Court shall mail a copy of this Order to

Tonia Haddix at 12388 State Road CC, Festus, MO 63028.

A handwritten signature in black ink, reading "Catherine D. Perry". The signature is written in a cursive style with a horizontal line extending from the end of the name.

CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 1st day of June, 2021.